

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): II-Year, III-Semester (Academic Year: 2017-18)

Special Repeat Examination (October, 2017)

Subject Code: 3.6 Jurisprudence - I

Time: 2:30 Hrs.

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five out of the six questions:

1. What do you understand by the doctrine *lex unjusta non est lex*? Explain by referring to the natural law theory developed by Cicero and John Finnis. Critically examine the relationship between *jus naturale*, *Jus gentium* and *jus civile*. (8+6)
2. What is the effect of Aristotle's idea of cosmic hierarchy on the natural law theory developed by Thomas Aquinas? Examine in detail the different kinds of laws as has been identified by Aquinas and their relations with one another. (6+8)
3. "*The existence of law is one thing; its merit and demerit another. Whether it be or be not is one enquiry; whether it be or be not conformable to an assumed standard, is a different enquiry.*"

Critically analyse the above mentioned statement by putting forward necessary justifications.

What do you mean by law properly so called and law improperly so called as has been developed by John Austin? (9+5)

4. Critically examine, whether judges create the law or they merely interpret the law, by referring to the Hart-Dworkin Debate. What do you understand by the rule of recognition as has been developed by HLA Hart? (7+7)
5. What is the difference between sociology of law and Sociological Jurisprudence? With the help of relevant case laws examine the influence of sociological jurisprudence in the decisions of the higher judiciary in India. (6+8)
6. Critically examine the assertion by Oliver W Holmes that life of law has not been logic; it has been experience. What are the basic defining features of American Realism? (7+7)
